

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ASHLEY VOAG,

Plaintiff,

v.

JASMINE ALONZO, *et al.*,

Defendants.

CASE NO. C20-1450-JCC

ORDER

This matter comes before the Court on Plaintiff Ashley Voag’s application to proceed *in forma pauperis* (“IFP”) (Dkt. No. 1) and proposed civil complaint (Dkt. No. 1-1). Magistrate Judge Mary Alice Theiler issued a Report and Recommendation recommending that the Court deny Plaintiff’s application to proceed IFP and dismiss Plaintiff’s complaint without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B) because it fails to state a claim upon which relief may be granted and appears to be frivolous. (*See* Dkt. No. 4 at 2.) In addition, Judge Theiler concluded that there is no reasonable basis to believe the complaint may be cured by amendment. (*Id.*) Plaintiff did not object to the Report and Recommendation,<sup>1</sup> but paid the filing fee eleven days after it was issued.

<sup>1</sup> Several days after the deadline to object to the Report and Recommendation Plaintiff filed an Emergency Motion for Hearing (Dkt. No. 6). The Court concludes it is not necessary to hold a hearing. Therefore, Plaintiff’s emergency motion for a hearing is DENIED.

1 In the Court's view, Ms. Voag's payment of the filing fee does not render her IFP  
2 application moot because IFP status would not only exempt her from payment of the filing fee  
3 but also confer other benefits. *See, e.g.*, 28 U.S.C. § 1915(c)-(d); Fed. R. Civ. P. 4(c)(3). Ms.  
4 Voag continues to seek the benefits of IFP status (even after paying the filing fee) by repeatedly  
5 contacting the Clerk's Office and requesting that the Court serve subpoenas on her behalf.

6 Even if paying the filing fee rendered Ms. Voag's IFP application moot, the Court would  
7 find it appropriate to dismiss the complaint *sua sponte* under Federal Rule of Civil Procedure  
8 12(b)(6) for the reasons stated in the Report and Recommendation. *See Omar v. Sea-Land Serv.,*  
9 *Inc.*, 813 F.2d 986, 991 (9th Cir. 1987) ("A trial court may dismiss a claim *sua sponte*" under  
10 Rule 12(b)(6).)

11 Accordingly, having thoroughly considered the Report and Recommendation and the  
12 relevant record, the Court ADOPTS the Report and Recommendation (Dkt. No. 4), DENIES  
13 Plaintiff's application to proceed IFP, and DISMISSES the complaint without prejudice. The  
14 Court DIRECTS the Clerk to close this case and to send a copy of this order to Ms. Voag and  
15 Judge Theiler.

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17 DATED this 20th day of November 2020.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE